

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26****VIRGINIA:****BEFORE THE GAS AND OIL BOARD****APPLICANTS:**

CNX Gas Company LLC on behalf of Buckhorn Coal Company and Clyde & Goldie Hess; Buckhorn Coal Company and certain Columbus Earl White Heirs including Michael White, Ferrell White Herald White, Marty White Cathy Darlene Ward, and Melissa Skeens;

DOCKET NO.**02-0917-1070-02****RELIEF SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling **AZ-110, Tracts 1C, 1D, 1E, 1F, and 1G.**
 (Referenced herein as "the Subject Drilling Unit")

Location: Russell County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit **AZ-110** by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

REPORT OF THE BOARD**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on June 16, 2009 at the Russell County Conference Center, 139 Highland Drive, Lebanon Virginia.
2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. (a) On October 15, 2002, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Russell County on July 14, 2003, Deed Book 587 pages 373 to 393, Instrument Number 0003059. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on August 20, 2004, Deed Book 615 pages 267 to 282, Instrument Number 0403122 (hereafter all orders are collectively referred to as the "Pooling Orders").

 (b) After the Supplemental Petition was filed on August 20, 2004, a ***Revised Supplemental Order*** for VGOB -02-0917-1070-01 was filed with the Clerk of the Circuit Court of Russell County on October 10, 2004, Deed Book 619 pages 001 to 017, Instrument Number 0403906.
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Buckhorn Coal Company and the gas ownership interests of certain parties in Tracts 1C, 1D, 1E, 1F, & 1G in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Miscellaneous Petition regarding Tracts 1C, 1D, 1E, 1F, & 1G a copy of which is attached to and made a part hereof, states under oath that Buckhorn Coal Company and the Applicants have entered into an agreement with regards to Tracts 1C, 1D, 1E, 1F, & 1G and that by the terms of the agreements, Buckhorn Coal Company has entered into a (50% 50%) split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4. The Unit Operator gave notice to Buckhorn Coal Company and the applicants that the Board would consider its disbursement authorization at its hearing on June 16, 2009 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to tracts 1C, 1D, 1E, 1F, & 1G identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to said Tracts 1C, 1D, 1E, 1F, & 1G in the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow under Tract 5.
- 4.5. The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant provided revised testimony on November 17, 2009 and has certified and represented to the Board that:

(1) Buckhorn Coal Company and Clyde & Goldie Hess are the owners of the coal and gas acreage estate underlying Tracts 1C and 1D; Buckhorn Coal Company and certain (Columbus) Earl White Heirs, Devisees, Successors or Assigns include: Michael White, Ferrell White, Herald White, Marty White, Cathy Darlene Ward, and Melissa Skeens are the owners of the coal and gas acreage estate underlying a portion of VGOB Tracts 1E, 1F, & 1G of the Subject Drilling Unit;

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB 02-0917-1070-02

Table 1

		As Given		Split Agreement	Acres	% of Escrowed Funds
		Acreage Fraction	Acreage Interest			
A portion of Tracts 1c and 1d plus Tracts 1e, 1f, and 1g.						
Item	Tract	Disbursement Table				
					50.3649	
1	1c	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651	0.1300	50.0%	0.07	0.1291%
2	1c	Clyde & Goldie Hess / 1557 Miller Creek road / Rowe, VA 24646	0.1300	50.0%	0.07	0.1291%
3	1d	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651	29.2800	50.0%	14.64	29.0679%
4	1d	Clyde & Goldie Hess / 1557 Miller Creek road / Rowe, VA 24646	29.2800	50.0%	14.64	29.0679%
5	1e	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651	0.2500	50.0%	0.13	0.2482%
		(COLUMBUS) Earl White Heirs	0.25			
6	1e	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia	0.2500	50.0%	0.13	0.2482%
7	1f	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651	1.6700	50.0%	0.84	1.6579%
		(COLUMBUS) Earl White Heirs	1.67			
8	1f	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia	1.6700	50.0%	0.84	1.6579%
9	1g	Buckhorn Coal Co. - Coal / P.O. Box 187 Tazewell, VA 24651	3.0600	50.0%	1.53	3.0378%
		(COLUMBUS) Earl White Heirs	3.06			
10	1g	Ralph Sneed Administrator CTA / Estate of (Columbus) Earl White Heirs / P.O. Box 399 / Lebanon Virginia	3.0600	50.0%	1.53	3.0378%

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

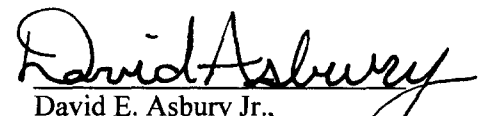
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 24 day of Nov., 2009 by a majority of the Virginia Gas and Oil Board.


Bradley C. Lambert, Chairman

DONE AND PERFORMED this 24th day of November, 2009 by an Order of this Board.

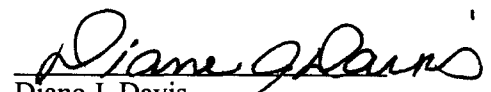

David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 24th day of November, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

My commission expires: 09 / 30 / 2013




Diane J. Davis
Notary Public #174394

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 02-0917-1070-02

**RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 1C, 1D, 1E, 1F & 1G
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES**

HEARING DATE: June 16, 2009

DRILLING UNIT: AZ-110

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is **CNX Gas Company LLC**, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1C, 1D, 1E, 1F and 1G as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Buckhorn Coal Company and Columbus Earl Whited Heirs, Devisees, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens; Buckhorn Coal Company and Clyde & Goldie Hess.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** Buckhorn Coal Company and Columbus Earl Whited Heirs, Devisees, Successors or Assigns including: Michael Whited, Ferrell Whited, Herald Whited, Marty Whited, Cathy Darlene Ward, and Melissa Skeens; Buckhorn Coal Company and Clyde & Goldie Hess have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid. *Initial payout for the heirs of Columbus Earl Whited should be made payable to trust account: Glubiak Law Office, P.O. Box 144, Aylett, VA 23009 (Ralph Snead, Administrator C.T.A. of the Estate will distribute in accordance with Columbus Earl Whited's will.)*

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: _____

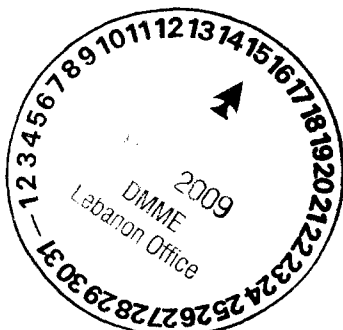
Anita D. Duty

Pooling Supervisor

CNX Land Resources Inc.

2481 John Nash Blvd.

Bluefield, West Virginia 24701



PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 619 PAGE 008
BOOK 715 PAGE 030

N 300,796.00
E 983,597.17

N 300,738.59
E 985,195.64

58.74 ACRE UNIT

CBM-AZ110

N 299,197.22
E 983,539.75

N 299,139.82
E 985,138.22

EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AZ-110
FORCE POOLING
VGOB-02-0917-1070

Company CNX Gas Company LLC

Well Name and Number UNIT AZ110

Tract No. _____ Elevation _____

Quadrangle _____

County Russell District New Garden

Scale: 1" = 400'

Date 9/29/07

This plat is a new plat X ; an updated plat _____ ;

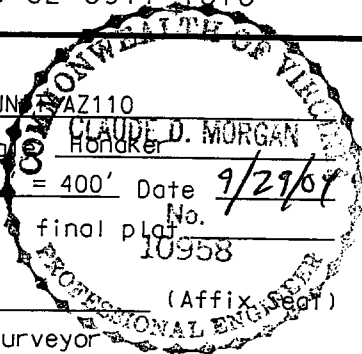
or a final plat _____

No. _____

10958

Form DGO-GO-7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC**Unit AZ-110****Tract Identifications****(58.74 Acre Unit)**

- 1A. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Mary Dye, et al - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (8/9)
0.23 acres 0.3915 %
- 1B. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Lowie Perkins, et al. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.98 acres 1.6684 %
- 1C. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Goldie Hess, et al. - Surface (Cemetery), Oil and Gas
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.13 acres 0.2213 %
- 1D. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Goldie Hess, et al. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
29.28 acres 49.8468 %
- 1E. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Earl Whited - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.25 acres 0.4256 %

CNX Gas Company LLC**Unit AZ-110****Tract Identifications****(58.74 Acre Unit)**

- 1F. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Earl Whited - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
1.67 acres 2.8430 %
- 1G. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Earl Whited - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
3.06 acres 5.2094 %
- 1H. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Mike Rasnake, et ux. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
6.18 acres 10.5209 %
- 1I. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Roger Dye - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.61 acres 1.0385 %
- 1J. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
W. H. Wilson Heirs, et al. - Surface and All Minerals except Coal
0.62 acres 1.0555 %

CNX Gas Company LLC**Unit AZ-110****Tract Identifications****(58.74 Acre Unit)**

- 1K. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
James E. Dye, et ux. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
0.08 acres 0.1362 %
- 1L. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Commonwealth of Virginia - Surface and All Minerals except Coal
0.65 acres 1.1066 %
- 1M. Buckhorn Coal Company Tr. 9 - Coal
Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Maggie Lee Dye - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
4.59 acres 7.8141 %
- 2A. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Maggie Lee Dye - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
9.97 acres 16.9731 %
- 2B. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Mary Dye, et al - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (8/9)
0.44 acres 0.7491 %

Tract-by-Tract Escrow Calculation
Account Balances as of 9/30/09

Unit AZ-110
VGOB 02-0917-1070-02
Acres Escrowed: 50.36490

TOTAL
Amount Due Owners
\$55,926.31

Owners	Tract #	Acres	Owner Acres	Interest	Total Tract Percent of Escrow	Owners' Percent of Escrow (50%)	Amount Due Owners
Buckhorn Coal Co. - Coal	1a	0.026000			0.0516%	0.0258%	\$14.44
Mary Dye, et al. - O&G		0.23					
Howard Dye			0.02556	1/9		0.0258%	\$14.44
Buckhorn Coal Co. - Coal	1b	0.070000			0.1390%	0.0695%	\$38.86
Lowie Perkins, et al. - O&G		0.98					
Wayne Perkins			0.07000	1/14		0.0695%	\$38.86
Buckhorn Coal Co. - Coal	1c	0.13			0.2581%	0.1291%	\$72.18
Goldie Hess - O&G						0.1291%	\$72.18
Buckhorn Coal Co. - Coal	1d	29.28			58.1357%	29.0679%	\$16,256.58
Goldie Hess - O&G						29.0679%	\$16,256.58
Buckhorn Coal Co. - Coal	1e	0.25			0.4964%	0.2482%	\$138.80
(Columbus) Earl White Heirs - O&G						0.2482%	
Michael White			0.02500	10%		0.0248%	\$13.88
Ferrell White			0.04500	18%		0.0447%	\$24.98
Herald White			0.04500	18%		0.0447%	\$24.98
Marty White			0.04500	18%		0.0447%	\$24.98
Cathy Darlene Ward			0.04500	18%		0.0447%	\$24.98
Melissa Skeens			0.04500	18%		0.0447%	\$24.98
Escrow disbursements for 6 White heirs named immediately above to be paid to Ralph Sneed, Administrator for the Estate of (Columbus) Earl White							\$138.80
Buckhorn Coal Co. - Coal	1f	1.67			3.3158%	1.6579%	\$927.20
(Columbus) Earl White Heirs - O&G						1.6579%	
Michael White			0.16700	10%		0.1658%	\$92.72
Ferrell White			0.30060	18%		0.2984%	\$166.90
Herald White			0.30060	18%		0.2984%	\$166.90
Marty White			0.30060	18%		0.2984%	\$166.90
Cathy Darlene Ward			0.30060	18%		0.2984%	\$166.90
Melissa Skeens			0.30060	18%		0.2984%	\$166.90
Escrow disbursements for 6 White heirs named immediately above to be paid to Ralph Sneed, Administrator for the Estate of (Columbus) Earl White							\$927.20
Buckhorn Coal Co. - Coal	1g	3.06			6.0757%	3.0378%	\$1,698.95
(Columbus) Earl White Heirs - O&G						3.0378%	
Michael White			0.30600	10%		0.3038%	\$169.89
Ferrell White			0.55080	18%		0.5468%	\$305.81
Herald White			0.55080	18%		0.5468%	\$305.81
Marty White			0.55080	18%		0.5468%	\$305.81
Cathy Darlene Ward			0.55080	18%		0.5468%	\$305.81
Melissa Skeens			0.55080	18%		0.5468%	\$305.81
Escrow disbursements for 6 White heirs named immediately above to be paid to Ralph Sneed, Administrator for the Estate of (Columbus) Earl White							\$1,698.95
Buckhorn Coal Co. - Coal	1j	0.62			1.2310%	0.6155%	\$344.23
W.H. Wilson Heirs, et al. (Cem.) - O&G						0.6155%	\$344.23
Buckhorn Coal Co. - Coal	1l	0.65			1.2906%	0.6453%	\$360.89
VDOT - O&G						0.6453%	\$360.89
Buckhorn Coal Co. - Coal	1m	4.59			9.1135%	4.5567%	\$2,548.42
Maggie Lee Dye - O&G						4.5567%	\$2,548.42
Buckhorn Coal Co. - Coal	2a	9.97			19.7955%	9.8978%	\$5,535.46
Maggie Lee Dye - O&G						9.8978%	\$5,535.46
Buckhorn Coal Co. - Coal	2b	0.048900			0.0971%	0.0485%	\$27.15
Mary Dye, et al. - O&G		0.44					
Howard Dye			0.04800	1/9		0.0485%	\$27.15

Revised exhibit before the Gas & Oil Board
on 11/17/09.

Exhibit E
Unit AZ-110
Docket #VGOB 02-0917-1070
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

BOOK 715 PAGE 3309

	Acres in Unit	Interest in Unit
<u>Tract #1A, 0.23 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.23 acres	0.3916%
<u>OIL & GAS OWNERSHIP</u>		
(1) Mary Dye, et al.	0.23 acres	0.3916%
(b) Howard Dye c/o Leva Jane Settoon 5760 Highway 107 Marksville, LA 71351	0.026 acres 1/9 of 0.23 acres	0.0435%
<u>Tract #1B, 0.98 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.98 acres	1.6684%
<u>OIL & GAS OWNERSHIP</u>		
(1) Lowie Perkins, et al.	0.98 acres	1.6684%
(b) Wayne Perkins c/o Debbie Boyd 21431 Bonher Road Bristol, VA 24202	0.070 acres 1/14 of 0.98 acres	0.1192%
<u>Tract #1J, 0.62 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.62 acres	1.0555%
<u>OIL & GAS OWNERSHIP</u>		
(1) W.H. Wilson Heirs, et al. (Cemetery) Heirs Unknown	0.62 acres	1.0555%
<u>Tract #1L, 0.65 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.65 acres	1.1066%

Exhibit E
Unit AZ-110
Docket #VGOB 02-0917-1070
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

BOOK 715 PAGE 0319

	Acres in Unit	Interest in Unit
<u>OIL & GAS OWNERSHIP</u>		
(1) Commonwealth of Virginia Dept. of Transportation P.O. Box 1768 Bristol, VA 24203	0.65 acres	1.1066%
<u>Tract #1M, 4.59 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	4.59 acres	7.8141%
<u>OIL & GAS OWNERSHIP</u>		
(1) Maggie Lee Dye P.O. Box 271 Swords Creek, VA 24649	4.59 acres	7.8141%
<u>Tract #2A, 9.97 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	9.97 acres	16.9731%
<u>OIL & GAS OWNERSHIP</u>		
(1) Maggie Lee Dye P.O. Box 271 Swords Creek, VA 24649	9.97 acres	16.9731%
<u>Tract #2B, 0.44 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company (J.Fuller 453 Ac.Tract) P. O. Box 187 Tazewell, VA 24651	0.44 acres	0.7491%
<u>OIL & GAS OWNERSHIP</u>		
(1) Mary Dye, et al.	0.44 acres	0.7491%
(b) Howard Dye c/o Leva Jane Settoon 5760 Highway 107 Marksville, LA 71351	0.0489 acres 1/9 of 0.44 acres	0.0832%

Exhibit EE
Unit AZ-110
Docket #VGOB 02-0917-1070
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
			50.3649
<u>Tract #1A, 0.23 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.23 acres	0.3916%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Mary Dye, et al.	0.23 acres	0.3916%	n/a
(a) Mary Dye P.O. Box 391 Damascus, VA 24236	0.077 acres 1/3 of 0.23 acres	0.1305%	n/a
(c) Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.026 acres 1/9 of 0.23 acres	0.0435%	n/a
(d) Allen Dye 19433 Avon-Belden Road Grafton, OH 44044	0.026 acres 1/9 of 0.23 acres	0.0435%	n/a
(e) Janice Workman 7762 State Road Parma, OH 44134	0.026 acres 1/9 of 0.23 acres	0.0435%	n/a
(f) Mack Dye c/o Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.026 acres 1/9 of 0.23 acres	0.0435%	n/a
(g) Russell H. Dye, Jr. 3562 Winchell Road Mantua, OH 44255	0.026 acres 1/9 of 0.23 acres	0.0435%	n/a

Tract #1B, 0.98 acres

COAL OWNERSHIP

(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.98 acres	1.6684%	n/a
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OIL & GAS OWNERSHIP

(1) Lowie Perkins, et al.	0.98 acres	1.6684%	
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List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
			50.3649
(a) Lowie Perkins	0.91 acres	1.5492%	n/a
Rt.2 Box 597	13/14 of 0.98 acres		
Honaker, VA 24260			

Tract #1C, 0.13 acres**COAL OWNERSHIP**

(1) Buckhorn Coal Company, Tr.9	0.13 acres	0.2213%	0.1291%
P. O. Box 187			
Tazewell, VA 24651			

OIL & GAS OWNERSHIP

(1) Goldie Hess	0.13 acres	0.2213%	0.1291%
1557 Miller Creek Road			
Rowe, VA 24646			

Tract #1D, 29.28 acres**COAL OWNERSHIP**

(1) Buckhorn Coal Company, Tr.9	29.28 acres	49.8468%	29.0679%
P. O. Box 187			
Tazewell, VA 24651			

OIL & GAS OWNERSHIP

(1) Goldie Hess	29.28 acres	49.8468%	29.0679%
1557 Miller Creek Road			
Rowe, VA 24646			

Tract #1E, 0.25 acres**COAL OWNERSHIP**

(1) Buckhorn Coal Company, Tr.9	0.25 acres	0.4256%	0.2482%
P. O. Box 187			
Tazewell, VA 24651			

OIL & GAS OWNERSHIP

(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	0.25 acres	0.4256%	
(a) Michael Whited	0.0250 acres	0.0426%	0.0248%
PO Box 297	10% of 0.25 acres		
Swords Creek, VA 24696			

Exhibit EE
Unit AZ-110

BOOK 710 PAGE 3313

Docket #VGOB 02-0917-1070

List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
			50.3649
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.0450 acres 18% of 0.25 acres	0.0766%	0.0447%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.0450 acres 18% of 0.25 acres	0.0766%	0.0447%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.0450 acres 18% of 0.25 acres	0.0766%	0.0447%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.0450 acres 18% of 0.25 acres	0.0766%	0.0447%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.0450 acres 18% of 0.25 acres	0.0766%	0.0447%

Tract #1F, 1.67 acres

COAL OWNERSHIP

(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	1.67 acres	2.8430%	1.6579%
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OIL & GAS OWNERSHIP

(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	1.67 acres	2.8430%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.1670 acres 10% of 1.67 acres	0.2843%	0.1658%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.3006 acres 18% of 1.67 acres	0.5117%	0.2984%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.3006 acres 18% of 1.67 acres	0.5117%	0.2984%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.3006 acres 18% of 1.67 acres	0.5117%	0.2984%

List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
			50.3649
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.3006 acres 18% of 1.67 acres	0.5117%	0.2984%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.3006 acres 18% of 1.67 acres	0.5117%	0.2984%

Tract #1G, 3.06 acres

COAL OWNERSHIP

(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	3.06 acres	5.2094%	3.0378%
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OIL & GAS OWNERSHIP

(1) (Columbus) Earl Whited Heirs, Devisees, Successors or Assigns	3.06 acres	5.2094%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.3060 acres 10% of 3.06 acres	0.5209%	0.3038%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260-1471	0.5508 acres 18% of 3.06 acres	0.9377%	0.5468%
(c) Herald Whited PO Box 517 Rosedale, VA 24280	0.5508 acres 18% of 3.06 acres	0.9377%	0.5468%
(d) Marty Whited PO Box 0881 Lebanon, VA 24266-0881	0.5508 acres 18% of 3.06 acres	0.9377%	0.5468%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.5508 acres 18% of 3.06 acres	0.9377%	0.5468%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.5508 acres 18% of 3.06 acres	0.9377%	0.5468%

Exhibit EE
Unit AZ-110
Docket #VGOB 02-0917-1070

BOOK 715 PAGE 0315

List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
			50.3649
<u>Tract #1H, 6.18 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	6.18 acres	10.5209%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Mike Rasnake, et ux. Rt.2 Box 497 Honaker, VA 24260	6.18 acres	10.5209%	n/a
<u>Tract #1I, 0.61 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.61 acres	1.0385%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Roger Lee Dye HC65 Box 115 Rowe, VA 24646	0.61 acres	1.0385%	n/a
<u>Tract #1K, 0.08 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.08 acres	0.1362%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) James E. Dye, et ux. Box 304 Oakwood, VA 24639	0.08 acres	0.1362%	n/a
<u>Tract #2B, 0.44 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company (J.Fuller 453 Ac.Tract) P. O. Box 187 Tazewell, VA 24651	0.44 acres	0.7491%	n/a

Exhibit EE
Unit AZ-110

BOOK 715 PAGE 3316

Docket #VGOB 02-0917-1070

List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
			50.3649
<u>OIL & GAS OWNERSHIP</u>			
(1) Mary Dye, et al.	0.44 acres	0.7491%	n/a
(a) Mary Dye P.O. Box 391 Damascus, VA 24236	0.147 acres 1/3 of 0.44 acres	0.2497%	n/a
(c) Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.049 acres 1/9 of 0.44 acres	0.0832%	n/a
(d) Allen Dye 19433 Avon-Belden Road Grafton, OH 44044	0.049 acres 1/9 of 0.44 acres	0.0832%	n/a
(e) Janice Workman 7762 State Road Parma, OH 44134	0.049 acres 1/9 of 0.44 acres	0.0832%	n/a
(f) Mack Dye c/o Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.049 acres 1/9 of 0.44 acres	0.0832%	n/a
(g) Russell H. Dye, Jr. 3562 Winchell Road Mantua, OH 44255	0.049 acres 1/9 of 0.44 acres	0.0832%	n/a

103208

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 12-10, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:37 o'clock PM, after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Dept. of Mines

TESTE: ANN S. McREYNOLDS, CLERK
BY: Ann S. McReynolds CLERK

\$28